

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. **0837RF-H543-US**
(0837RF-41712)

In Re Application of:

DANIEL J. SWEIGARD

Serial No.: **10/509,928**

Filed: **1 OCTOBER 2004**

For: **CLIP FOR FIRE DETECTOR
WIRE**

§
§
§
§
§
§
§
§
§

Examiner: **KIMBERLY T. WOOD**

Confirmation No.: **4313**

Art Unit: **3632**

APPEAL BRIEF

MAIL STOP: APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is an appeal from the Final Rejection dated 5 February 2008, finally rejecting claims 1-20 in the present Application. A Notice of Appeal was filed on 5 May 2008. Thus, the two-month date for filing an Appeal Brief is 7 July 2008, as 5 July 2008 fell on a Saturday and 6 July 2008 fell on a Sunday.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(C)
Date of Transmission: 7 July 2008
I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office (USPTO) via the USPTO electronic filing system (EFS-Web) on the date shown above.
By: <u>/darencdavis#38425/</u> Daren C. Davis

Payment of the \$510.00 fee for filing a brief in support of an appeal is being made concurrently via EFS-Web with the filing of this Appeal Brief. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any fees which may be required, or credit any overpayments, to Deposit Account No. **502806**.

Please link this Application to Customer No. 38441 so that its status may be checked via the PAIR System.

If no separate Petition for Extension of Time is filed herewith, this document is to be construed as also constituting a Petition for Extension of Time under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed. Any fee required for such Petition for Extension of Time and any other fee required by this document and not submitted herewith should be charged to Deposit Account No. **502806**. Any refund should be credited to Deposit Account No. **502806**.

Real Party in Interest (37 C.F.R. § 41.37(c)(1)(i)):

The real party in interest in the present Application is Bell Helicopter Textron, Inc., as indicated by an Assignment recorded on 16 February 2006, from the inventor to Bell Helicopter Textron, Inc., in the Assignment Records of the United States Patent and Trademark Office (the "PTO") at Reel 017180, Frame 0857.

Related Appeals and Interferences (37 C.F.R. § 41.37(c)(1)(ii)):

There are no related appeals or declared interferences that will directly affect or be directly affected by a decision by the Board of Patent Appeals and Interferences (the "Board") in the present appeal to the knowledge of the undersigned.

Status of Claims (37 C.F.R. § 41.37(c)(1)(iii)):

The present Application, which is an application filed on 1 October 2004 under 35 USC § 371 from an International Patent Application filed on 1 April 2003 under the Patent Cooperation Treaty claiming the benefit of U.S. Provisional Patent Application Serial No. 60/369,753, filed on 3 April 2002, was originally filed with four claims (*i.e.*, claims 1-4).

In Appellant's amendment dated 3 January 2006 in response to the Office Action of 4 October 2005, new claims 5-20 were added. No claims have been canceled. Thus, claims 1-20 are presently under consideration in the appealed Application.

In a Final Office Action dated 5 February 2008 ("Final Office Action"), the Office Action Summary indicates that claims 1-20 are finally rejected and that no claims are allowed or objected to.

The status of the claims is, therefore, believed to be as follows:

Allowed claims:	None
Claims objected to:	None
Claims rejected:	1-20.

Appellant hereby appeals the Examiner's final rejection of the foregoing claims (*i.e.*, claims 1-20), which presently stand rejected over the cited references. Appealed claims 1-20 are set forth in a Claims Appendix, attached hereto, pursuant to 37 C.F.R. § 41.37(c)(1)(viii).

Status of Amendments (37 C.F.R. § 41.37(c)(1)(iv)):

Appellant filed no amendments subsequent to the Final Office Action.

Summary of Claimed Subject Matter (37 C.F.R. § 41.37(c)(1)(v)):

The independent claims involved in the present appeal relate, in general, to a clip for mounting a fire detector wire to a structure. *See* Specification, p. 3, ll. 21-27, and Figures 2-7.

Independent claim 1 relates to a clip for mounting a fire detector wire 128 to a structure 119 comprising a clip member 111 and an anti-friction insert member 129 adapted to carry the fire detector wire 128. The clip member 111 comprises a base portion 113 adapted for mounting to the structure 119, at least two mounting apertures 117 passing through the base portion 113, and a clamp portion 115 upraised from the base portion 113 having opposing spring action finger members 123, 125, and 127. The anti-friction insert member 129 comprises an elongated shaft portion 131, an axial central channel 137 for receiving the fire detector wire 128, a longitudinal slot 139 for allowing access to the central channel 137, and a flange 133 and 135 on each end of the elongated shaft 131. The anti-friction insert member 129 is configured to be releasably clamped between the finger members 123, 125, and 127. The flanges 133 and 135 prevent axial movement of the insert member 129 relative to the finger members 123, 125, and 127. *See* Specification, p. 4, l. 1, through p. 5, l. 5, and Figures 2-7.

Independent claim 11 relates to a clip for mounting a fire detector wire 128 to a structure 119. The clip comprises a clip member 111 defining a channel 127 and an anti-friction insert member 129 disposed in the channel 127 and adapted to carry the fire detector wire 128. *See* Specification, p. 4, l. 1, through p. 5, l. 5, and Figures 2-7.

Independent claim 15 relates to a clip for mounting a fire detector wire 128 to a structure 119. The clip comprises a clip member 111 and an anti-friction insert member 129. The clip member 111 comprises a base portion 113 defining at least two mounting apertures 117 and a clamp portion 115 upraised from the base portion 113 at an angle of about 155 degrees. The base portion 113 has opposing spring action finger members 123, 125, and 127. The anti-friction insert member 129 comprises polytetrafluoroethylene and is releasably disposed in the clamp portion 113. The anti-friction insert member 129 comprises an elongated shaft portion 131 and an axial central channel 137 for receiving

the fire detector wire128. The anti-friction insert member 129 further comprises a longitudinal slot 139 extending from an outer surface of the anti-friction insert member 129 to the axial central channel 137 for allowing access to the central channel 137. The anti-friction insert member 129 further comprises a flange 133 and 135 extending from each end of the elongated shaft 131, such that the flanges 133 and 135 abut the finger members 121 and 123. See Specification, p. 4, l. 1, through p. 5, l. 20, and Figures 2-7.

Grounds of Rejection to be Reviewed on Appeal (37 C.F.R. § 41.37(c)(1)(vi)):

Issue No. 1. Claims 1-4, 6-12, and 14 stand rejected under 35 USC § 103(a), as being unpatentable over Appellant's Admitted Prior Art ("AAPA") in view of U.S. Patent 5,248,119 to Imura ("Imura"). Thus, the issue is whether the teachings of AAPA and Imura disclose or suggest all of the limitations of the claims as necessary for establishing a *prima facie* case of obviousness.

Issue No. 2. Claims 5, 13, and 15-20 stand rejected under 35 USC § 103(a), as being unpatentable over AAPA in view of Imura and U.S. Patent 3,710,674 to Tabor ("Tabor"). Thus, the issue is whether the teachings of AAPA, Imura, and Tabor disclose or suggest all of the limitations of the claims as necessary for establishing a *prima facie* case of obviousness.

Argument (37 C.F.R. § 41.37(c)(1)(vii)):

I. The Legal Standard for Obviousness Rejections Under 35 USC § 103

In the consideration and determination of obviousness under 35 U.S.C. 103, the four factual inquires¹ used as a background for determining obviousness are (1) determining the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims in issue; (3) resolving the level of ordinary skill in the pertinent art; and (4) evaluating evidence of secondary considerations. In determining the differences between the prior art and the claims, the question under 35 USC § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.² A prior art reference must be considered in its entirety, *i.e.*, as a whole, including portions that would lead away from the claimed invention.³ The U.S. Supreme Court reinforces this principle in its decision in *KSR Int'l. Co. v. Teleflex, Inc.*,⁴ stating that “when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious.”⁵

It is legally insufficient to conclude that a claim is obvious “merely by demonstrating that each of its elements was, independently, known in the prior art.”⁶ When the claimed invention is not a “predictable use of prior art elements according to their established functions,” the claimed invention cannot be found to be obvious.⁷ For example, when the elements of the claimed invention work together “in an unexpected and fruitful manner,” the claimed invention was not obvious to one skilled in the art at the time of the invention.⁸ Moreover, “rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational

¹ See *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966).

² *MPEP 2141.02*, citing *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983).

³ *MPEP 2141.02*, citing *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

⁴ *KSR Int'l. Co. v. Teleflex, Inc.*, 550 U.S. ____ (2007).

⁵ *KSR*, slip op. at 12, citing *United States v. Adams*, 383 U.S. 39, 40 (1966).

⁶ *KSR*, slip op. at 14.

⁷ *KSR*, slip op. at 13.

⁸ *KSR*, slip op. at 12.

underpinning to support the legal conclusion of obviousness.”⁹ The Office must “identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.”¹⁰ The Office must also make “explicit” this rationale of “the apparent reason to combine the known elements in the fashion claimed,” including a detailed explanation of “the effects of demands known to the design community or present in the marketplace” and “the background knowledge possessed by a person having ordinary skill in the art.”¹¹ Anything less than such an explicit analysis is insufficient to support a *prima facie* case of obviousness. Such an analysis must not “read into the prior art the teachings of the invention in issue” and must “guard against slipping into the use of hindsight.”¹²

**II. Issue No. 1 –
Rejection Under 35 USC § 103(a) Over AAPA in view of Imura:**

Claims 1-4, 6-12, and 14 stand rejected under 35 USC § 103(a), as being unpatentable over AAPA in view of Imura. Appellant respectfully traverses the rejection because neither AAPA nor Imura, whether taken singly or in combination, render the claimed invention obvious for at least the reasons set forth *infra*. Appellant respectfully requests reversal of the rejection.

The Office indicates in its Advisory Action of 28 April 2008 (“Advisory Action”) that Appellant’s arguments do not place the present Application in condition for allowance because “the arguments are not persuasive and the final rejection stands because the references [*sic*] of Imura and Tabor teach the applicant’s claimed invention.”¹³ It should be noted, however, that the rejection of claims 1-4, 6-12, and 14 does not include Tabor and the Advisory Action makes no mention of AAPA, as cited in the Final Office Action.

A. Claims 11, 12, and 14

Independent claim 11, from which claims 12 and 14 depend, recites “an anti-friction member.”

⁹ *KSR*, slip op. at 14, citing *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006).

¹⁰ *KSR*, slip op. at 15.

¹¹ *KSR*, slip op. at 14.

The Office admits on the record that AAPA fails to disclose the claimed anti-friction insert member but relies upon Imura to teach the anti-friction insert member.¹⁴ In response to Appellant's remarks in traverse of a previous, corresponding rejection,¹⁵ the Office alleges that Imura's statement that:

"(4) is a resinous or rubber elastic member" within column 3, line 10 by Imura provides all of the proof or statement needed to meet the applicant's limitation of anti-friction characteristics since it is well known and conventional in the art that "rubber" provides anti-friction characteristics inherently as supported by the disclosure of Acker et al. column 4, line 36ff that "for such rubber-elastic material to bear anti-friction coatings."¹⁶

While not specifically noted in the Detailed Action of the Final Office Action, Appellant believes the Office's reference to "Acker" corresponds to U.S. Patent 6,393,965 to Acker *et al.* ("Acker"), which is listed in the Notice of References Cited accompanying the present Office Action. It should be noted, however, that the rejection under 35 USC § 103(a) of claims 11, 12, and 14 is improper because the Office failed to positively identify the reference being relied upon and failed to positively include Acker in the statement of the rejection.¹⁷

First, Appellant respectfully traverses the Office's assertion that "'rubber' provides anti-friction characteristics inherently." If the Office's allegation were factual in a generic sense, rubber would not be the material of choice for vehicle tires, as locomotion is only achieved as a result of friction between the vehicle's tires and the surface over which the vehicle is traveling. The Examiner maintains the allegation that "'rubber' provides anti-friction characteristics inherently," and Appellant has respectfully requested an affidavit

¹² KSR, slip op. at 17.

¹³ Advisory Action, p. 2.

¹⁴ Final Office Action, Detailed Action, p. 2, l. 21, through p. 3, l. 1.

¹⁵ See Appellant's Response to Office Action, dated 3 January 2006, p. 9, l. 14, through p. 14, l. 11, which is incorporated herein by reference.

¹⁶ Final Office Action, Detailed Action, p. 5, ll. 1-8.

¹⁷ See MPEP 706.02(j) and *In re Hoch*, 428 F.2d 1341, 1342 n.3 166 USPQ 406, 407 n. 3 (CCPA 1970).

executed by the Examiner attesting to the Examiner's position.¹⁸ The Examiner, however, has failed to provide such an affidavit or even address Appellant's request for an affidavit.

Second, Appellant respectfully asserts that the Office has fundamentally misconstrued the teachings of Acker. In the portion of Acker cited by the Office, Acker describes rubber-elastic materials that have anti-friction coatings applied to them. Therefore, it is not the rubber material that exhibits any anti-friction characteristics but the coating applied to the rubber material that is anti-friction in nature. Thus, even if the Office's allegation were reasonable that "rubber" provides anti-friction characteristics inherently," which Appellant disputes, Acker would not be evidence of such. Rather, Appellant respectfully submits that one of ordinary skill in the art would appreciate that Acker actually provides evidence that "rubber-elastic materials" do not have anti-friction characteristics, because Acker teaches that "anti-friction coatings" are applied to "rubber-elastic materials," "with a view to as favourable friction coefficients as possible."¹⁹

With these issues addressed, attention is drawn back to Imura. Imura is silent with regard to its member 4 having any anti-friction characteristics. Rather, Imura teaches that its member 4 "is a resinous or rubber elastic member...being fitted or bonded to the seizing walls (3, 3') or the outer peripheral surface of the pipe (P) as the necessity arises."²⁰ Appellant respectfully asserts that a person having ordinary skill in the art at the time of the invention would have appreciated that Imura's member 4 frictionally grips the pipe P, rather than having any anti-friction properties, as required by the claimed anti-friction insert member set forth in claim 1. The Office admits on the record that "Imura provides a insert (4) used to resiliently grip a cylindrical member."²¹

If one of ordinary skill in the art were to modify Imura such that its member 4 were to be anti-friction in nature, Appellant respectfully asserts that Imura's device would not operate as intended. Because Imura's member 4 frictionally grips pipe P, modifying member 4 to be anti-friction in nature would prevent or at least inhibit the capability of member 4 to frictionally grip pipe P. Where a modification or combination renders a prior

¹⁸ See Appellant's Response to Office Action of 5 February 2008, p. 6, ll. 11-13.

¹⁹ Acker, col. 4, ll. 34-36.

²⁰ Imura, col. 3, ll. 9-14.

art reference inoperable for its intended purpose, the reference teaches away from the modification or combination.²² It is by now well established that teaching away by the prior art constitutes *prima facie* evidence that the claimed invention is not obvious.²³ Thus, the Office's allegation that "it would have been obvious to one having ordinary skill in the art...to have made the insert [of Imura] of polytetrafluoroethylene"²⁴ or any other anti-friction material is incorrect, as modifying Imura in such a way would have inhibited Imura's member 4 from frictionally gripping pipe P, which is a stated purpose in Imura.

Accordingly, claim 11, as well as the claims dependent thereto (*i.e.*, claims 12 and 14), are allowable over AAPA in view of Imura because Imura fails to teach the claimed anti-friction insert member, even in light of the teachings of Acker, which is not properly referenced in the Final Office Action. In fact, Acker teaches away from the claimed anti-friction member because the inclusion of such a member in Imura would render Imura inoperable for its intended purpose.

For at least the reasons provided *supra*, claims 11, 12, and 14 cannot be rendered obvious in light of AAPA and Imura, even taking into account the teachings of Acker. Accordingly, it is respectfully requested that the rejection of claims 11, 12, and 14 under 35 USC § 103(a), as being unpatentable over AAPA in view of Imura, be reversed.

B. Claims 1-4 and 6-10

Independent claim 1, from which claims 2-4 and 6-10 depend, recites "an anti-friction insert member." For at least the same reasons set forth *supra* concerning the 35 USC § 103(a) rejection of claims 11, 12, and 14, claims 1-4 and 6-10 are also allowable over AAPA in view of Imura. The comments provided by Appellant *supra* concerning the 35 USC § 103(a) rejection of claims 11, 12, and 14 apply equally to claims 1-4 and 6-10.

Moreover, independent claim 1, from which claims 2-4 and 6-10 depend, recites "the flanges preventing axial movement of the insert member relative to the finger

²¹ Final Office Action, Detailed Action, p. 6, ll. 1-2.

²² *In re Gordon*, 221 U.S.P.Q. (BNA) 1125, 1127 (Fed. Cir. 1984).

²³ See, *inter alia*, *In re Fine*, 5 U.S.P.Q.2d (BNA) 1596, 1599 (Fed. Cir. 1988); *In re Nielson*, 2 U.S.P.Q.2d (BNA) 1525, 1528 (Fed. Cir. 1987); *In re Hedges*, 228 U.S.P.Q. (BNA) 685, 687 (Fed. Cir. 1986).

²⁴ Final Office Action, Detailed Action, p. 6, ll. 18-21.

members.” Although the present Office Action indicates “Appellant’s arguments with respect to claims including flanges preventing axial movement of the insert member relative to the finger members have been considered but are moot in view of the new ground(s) of rejection,”²⁵ this aspect of the present rejection directly corresponds to the rejection proffered by the Office in its Office Action of 4 October 2005.²⁶

In all of Imura’s drawings in which member 4 is depicted,²⁷ each of the flanges of member 4 are spaced apart from seizing walls 3, 3’. Thus, the flanges of member 4 cannot prevent axial movement of member 4 relative to seizing walls 3, 3’. Furthermore, Imura is silent with regard to any suggestion that the flanges of member 4 prevent axial movement of member 4 relative to seizing walls 3, 3’ or to any suggestion that it would be even desirable for the flanges of member 4 to prevent axial movement of member 4 relative to seizing walls 3, 3’. Accordingly, a person having ordinary skill in the art at the time of the invention would not have appreciated that the flanges of Imura’s member 4 could perform the function of preventing axial movement of an insert member relative to finger members, as required by claim 1 and the claims dependent thereto.

For at least the reasons provided *supra*, claims 1-4 and 6-10 cannot be rendered obvious in light of AAPA and Imura, even taking into account the teachings of Acker. Accordingly, it is respectfully requested that the rejection of claims 1-4 and 6-10 under 35 USC § 103(a), as being unpatentable over AAPA in view of Imura, be reversed.

III. Issue No. 2 –
Rejection Under 35 USC § 103(a) Over AAPA in view of Imura and Tabor:

Claims 5, 13, and 15-20 stand rejected under 35 USC § 103(a), as being unpatentable over AAPA in view of Imura and Tabor. Appellant respectfully traverses the rejection because AAPA, Imura, and Tabor, whether taken singly or in combination, render the claimed invention obvious for at least the reasons set forth *infra*. Appellant respectfully requests reversal of the rejection.

²⁵ Final Office Action, Detailed Action, p. 5, ll. 9-12.

The Office indicates in its Advisory Action of 28 April 2008 ("Advisory Action") that Appellant's arguments do not place the present Application in condition for allowance because "the arguments are not persuasive and the final rejection stands because the referendces [*sic*] of Imura and Tabor teach the applicant's claimed invention." It should be noted, however, that the Advisory Action makes no mention of AAPA, as cited in the Final Office Action.²⁸

A. Claims 5, 13, and 15-20

Claim 5 depends from independent claim 1 and, thus, recites "an anti-friction insert member." Claim 13 depends from independent claim 11 and, thus, recites "an anti-friction insert member." Independent claim 15, from which claims 16-20 depend, also recites "an anti-friction insert member."

The Office relies upon Imura to teach this limitation,²⁹ as the Office has admitted on the record that AAPA fails to disclose "an anti-friction insert member." However, as discussed *supra* concerning the 35 USC § 103(a) rejection of claims 11, 12, and 14, Imura indeed fails to disclose "an anti-friction insert member" and, in fact, teaches away from "an anti-friction insert member." It should be noted that Tabor is silent with regard to "an anti-friction insert member." The remarks provided *supra* concerning the 35 USC § 103(a) rejection of claims 11, 12, and 14 apply equally to claims 5, 13, and 15-20.

For at least these reasons, AAPA, Imura, and Tabor, whether taken singly or in combination, cannot render the present invention, as set forth in claims 5, 13, and 15-20, obvious, even taking into account the teachings of Acker. It is, therefore, respectfully requested that the rejection of claims 5, 13, and 15-20 under 35 USC § 103(a), as being unpatentable over AAPA in view of Imura and Tabor, be reversed.

²⁶ See Office Action of 4 October 2005, pp. 2-3.

²⁷ See Imura, Figures 1, 2A, and 2B.

²⁸ Advisory Action, p. 2.

²⁹ Final Office Action, Detailed Action, p. 4, ll. 4-7 ("Applicant's admitted prior art figures 1A and 1B in view of Imura discloses all of the limitations of the claimed invention except for the flanges abutting the finger members.").

CONCLUSION:

In view of the foregoing, Appellant respectfully requests the Board of Patent Appeals and Interferences to reverse the Examiner's rejections as to all of the appealed claims.

Respectfully submitted,

7 July 2008
Date

/darencdavis#38425/
James E. Walton, Reg. No. 47,245
Daren C. Davis, Reg. No. 38,425
Brian E. Harris, Reg. No. 48,383

Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 578-8616 (direct)
(817) 447-9955 (main)
(817) 447-9954 (facsimile)
jim@waltonpllc.com (e-mail)

CUSTOMER NO. 38441

ATTORNEY AND AGENTS FOR APPELLANT

Claims Appendix
(37 C.F.R. § 41.37(c)(1)(viii))

Claim 1 (Original): A clip for mounting a fire detector wire to a structure comprising:

a clip member comprising:

a base portion adapted for mounted to the structure;

at least two mounting apertures passing through the base portion; and

a clamp portion upraised from the base portion having opposing spring action finger members;

an anti-friction insert member adapted to carry the fire detector wire comprising:

an elongated shaft portion;

an axial central channel for receiving the fire detector wire;

a longitudinal slot for allowing access to the central channel; and

a flange on each end of the elongated shaft;

wherein the insert member is configured to be releasably clamped between the finger members, the flanges preventing axial movement of the insert member relative to the finger members.

Claim 2 (Original): The clip according to claim 1, wherein the spring action finger members include opposing curves that define a channel configured to clampingly receive the insert member.

Claim 3 (Original): The clip according to claim 1, wherein the insert member is made of polytetrafluoroethylene.

Claim 4 (Original): The clip according to claim 1, further comprising:
a lubricant disposed between the base portion and the structure.

Claim 5 (Previously Presented):The clip according to claim 1, wherein the flanges abut the finger members.

Claim 6 (Previously Presented):The clip according to claim 1, wherein the clip is operably associated with the structure.

Claim 7 (Previously Presented):The clip according to claim 1, wherein the clip is operably associated with an aircraft.

Claim 8 (Previously Presented):The clip according to claim 1, wherein the fire detector wire is disposed in the axial central channel.

Claim 9 (Previously Presented):The clip according to claim 8, wherein the clip is operably associated with the structure.

Claim 10 (Previously Presented):The clip according to claim 8, wherein the clip is operably associated with an aircraft.

Claim 11 (Previously Presented): A clip for mounting a fire detector to a structure, the clip comprising:

a clip member defining a channel; and

an anti-friction insert member disposed in the channel and adapted to carry the fire detector wire.

Claim 12 (Previously Presented): The clip, according to claim 11, wherein the anti-friction insert member comprises:

an elongated shaft; and

a flange on each end of the elongated shaft;

wherein the flanges prevent axial movement of the anti-friction insert member within the channel.

Claim 13 (Previously Presented): The clip, according to claim 11, wherein the flanges abut the clip member.

Claim 14 (Previously Presented): The clip, according to claim 11, wherein the clip member comprises:

a base portion adapted for mounting to the structure; and

a clamp portion, upraised from the base portion at an angle of about 155 degrees.

Claim 15 (Previously Presented): A clip for mounting a fire detector wire to a structure, comprising:

a clip member comprising:

a base portion defining at least two mounting apertures; and

a clamp portion upraised from the base portion at an angle of about 155 degrees, the base portion having opposing spring action finger members; and

an anti-friction insert member comprising polytetrafluoroethylene being releasably disposed in the clamp portion, the anti-friction insert member comprising:

an elongated shaft portion;

an axial central channel for receiving the fire detector wire;

a longitudinal slot extending from an outer surface of the anti-friction insert member to the axial central channel for allowing access to the central channel; and

a flange extending from each end of the elongated shaft, the flanges abutting the finger members.

Claim 16 (Previously Presented): The clip according to claim 15, wherein the clip is operably associated with the structure.

Claim 17 (Previously Presented): The clip according to claim 15, wherein the clip is operably associated with an aircraft.

Claim 18 (Previously Presented): The clip according to claim 15, wherein the fire detector wire is disposed in the axial central channel.

Claim 19 (Previously Presented): The clip according to claim 18, wherein the clip is operably associated with the structure.

Claim 20 (Previously Presented): The clip according to claim 18, wherein the clip is operably associated with an aircraft.

Evidence Appendix
(37 C.F.R. § 41.37(c)(1)(ix))

No evidence is submitted under 37 C.F.R. §§ 1.130, 1.131, or 1.132.

Related Proceedings Appendix

(37 C.F.R. § 41.37(c)(1)(x))

There are no related appeals or declared interferences that will directly affect or be directly affected by a decision by the Board of Patent Appeals and Interferences (the “Board”) in the present appeal to the knowledge of Appellant’s representative.